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Director & State Health Officer

State of California—Health and Human Services Agency
California Department of Public Health

DRINKING WATER FIELD OPERATIONS BRANCH

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EDMUND G. BROWN JR.
Governor

August 30, 2013

Mark and Debra Watson
Jitterbean Coffee
850 Mathews Road
Lakeport, CA 95453

RE: Jitterbean Coffee Citation No. 02-03-13C-014-1700733-23

Dear Mr. and Mrs. Watson:

Enclosed is a citation issued to Jitterbean Coffee (Water System). The citation is being issued because the Water System failed to comply with the monthly bacteriological monitoring requirement during the month of July 2013.

The Citation consists of seven sections. The Determinations section describes the violation which resulted in the issuance of this Citation. The Directives section specifies what notifications are required, how and when to complete the notifications, and what required actions must be taken by the Water System to return to compliance.

Your Water System will be billed at the Department's current hourly rate of \$126.00 for the time spent issuing this Citation and any follow-up time required of Department staff to ensure compliance. The Water System will receive a bill from our Fee Billing Unit in Sacramento.

If you have any questions regarding this matter, please contact Lori Hanson or myself at (707) 576-2145.

Sincerely,

Michelle Floyd Frederick, P.E.
District Engineer
Mendocino District

Enclosure: Citation No. 02-03-13C-014-1700733-23

c: Lake County Health Department

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH

Name of Public Water System: Jitterbean Coffee

Water System No: 1700733

To: Mark and Debra Watson
Jitterbean Coffee
850 Mathews Road
Lakeport, CA 95453

Issued: August 30, 2013

CITATION FOR NONCOMPLIANCE
TOTAL COLIFORM MONITORING AND REPORTING VIOLATION
July 2013

Chapter 4, Article 9, Section 116650 of Part 12 of Division 104 of the California Health and Safety Code (CHSC), authorizes the issuance of a citation for failure to comply with a requirement of Chapter 4 (California Safe Drinking Water Act), or any regulation, standard, permit or order issued thereunder.

APPLICABLE AUTHORITIES

Section 116650 of the CHSC states in relevant part:

(a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the department may issue a



1 citation to the public water system. The citation shall be served upon
2 the public water system personally or by certified mail. Service shall
3 be deemed effective as of the date of personal service or the date of
4 receipt of the certified mail. If a person to whom a citation is directed
5 refuses to accept delivery of the certified mail, the date of service
6 shall be deemed to be the date of mailing.

7
8 (b) Each citation shall be in writing and shall describe the nature of
9 the violation or violations, including a reference to the statutory
10 provision, standard, order, citation, permit, or regulation alleged to
11 have been violated.

12 (c) A citation may specify a date for elimination or correction of the
13 condition constituting the violation.

14
15 (d) A citation may include the assessment of a penalty as specified in
16 subdivision (e).

17
18 (e) The department may assess a penalty in an amount not to
19 exceed one thousand dollars (\$1,000) per day for each day that a
20 violation occurred, and for each day that a violation continues to
21 occur. A separate penalty may be assessed for each violation.

22 California Code of Regulations (CCR), Section 64423 states in relevant part:

23
24 (a) Each water supplier shall collect routine bacteriological water
25 samples as follows:

26
27 (1) The minimum number of samples for community water
systems shall be based on the known population served or



1 the total number of service connections, whichever results
2 in the greater number of samples, as shown in Table
3 64423-A.

4
5 (2) The minimum number of samples for nontransient-
6 noncommunity water systems shall be based on the known
7 population served as shown in Table 64423-A during those
8 months when the system is operating.

9
10 (3) The minimum number of samples for a transient-
11 noncommunity water system using groundwater and serving
12 1000 or fewer persons a month shall be one in each calendar
13 quarter during which the system provides water to the public.

14 **STATEMENT OF FACTS**

15 Jitterbean Coffee's distribution system contained E. coli during an inspection
16 in July 2012. The water system was therefore placed on increased
17 sampling on a monthly basis. As of the date of this Citation, the Division of
18 Drinking Water and Environmental Management of the Department of
19 Public Health (Department) has not received results for a routine
20 bacteriological sample collected from the distribution system of the
21 Jitterbean Coffee during July 2013.

22 **DETERMINATIONS**

23 The Department has determined that the failure to collect a routine
24 bacteriological from the distribution system of the Jitterbean Coffee during
25 the month of July 2013 is a violation of Section 64423, Title 22, of the
26 California Code of Regulations. The Department hereby issues a citation to
27 the Jitterbean Coffee for failure to comply with Section 64423, Title 22, of
the California Code of Regulations.



DIRECTIVES

Jitterbean Coffee is hereby directed to take the following actions:

1. Comply with Section 64423, Title 22, of the CCR in all future monitoring periods. The water system shall perform monthly bacteriological monitoring, until otherwise directed by the Department.
2. Notify all persons served by the Water System of the failure to sample, in conformance with Section 64463.4 and Section 64465, Title 22 of the CCR. Notification must be completed in accordance with each of the following:
 - a) Completion of Attachment A to include the name, address, and telephone number of a water system official as a source of additional information concerning the public notice. **You must also give a legible, written description (preferably typed) of the corrective actions taken by the water system to prevent this violation from occurring in the future. You must use the space provided on Attachment A for this written description.**
 - b) Post the notice contained in Attachment A, **after it has been completed in accordance with (a) above**, in a conspicuous location at the coffee facility. Posting must begin no later than **September 20, 2013** and must continue for seven days.
 - c) By publication of the notice contained in Attachment A, **after it has been completed in accordance with (a) above**, in a local newspaper. This notice must be published for one day. The



1 publication in a local newspaper must be completed by
2 **September 27, 2013.**

- 3
4 d) Provide public notice for this violation in accordance with Section
5 64465(c), Title 22 or the CCR, which requires for each non-
6 English speaking group that exceeds 1,000 residents or 10% of
7 the residents in a community (whichever is less), that the public
8 notice contain information in the appropriate language(s)
9 regarding the importance of the notice, or it contain a telephone
10 number or address where such residents may contact the
11 System to receive a translated copy of the notice or to receive
12 assistance in the appropriate language. The required Spanish
13 language is already included in Attachment A.

- 14 3. A representative of Jitterbean Coffee shall complete the attached
15 Compliance Certification form and return it to the Department by
16 **October 4, 2013. A copy of the notice posted at Jitterbean**
17 **Coffee and a copy of the notice published in the newspaper**
18 **must be attached to the form.**

19 All documents required by this Citation shall be submitted to the Department
20 at the following address:

21 Michelle Floyd Frederick, P.E.
22 Department of Public Health
23 Drinking Water Field Operations Branch
24 50 D Street, Suite 200
Santa Rosa, CA 95404

25 The Department reserves the right to make such modifications to this
26 Citation as it may deem necessary to protect public health and safety. Such
27 modifications may be issued as amendments to this Citation and shall be
effective upon issuance.



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PARTIES BOUND

This Citation shall apply to and be binding upon the System, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The directives of this Citation are severable, and the System shall comply with each and every provision thereof notwithstanding the effectiveness of any provision.



FURTHER ENFORCEMENT ACTION

Division 104, Part 12, Chapter 4, (commencing with section 116270) of the California Health and Safety Code authorizes the Department to: issue additional citations with assessment of penalties if the System continues to fail to correct a violation identified in a citation; take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable law or regulations or has failed to comply with orders of the Department; and petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the Department. The Department does not waive any further enforcement action by issuance of this citation.

Michelle F. Frederick

Michelle Floyd Frederick, P.E.
District Engineer
Mendocino District
Drinking Water Field Operations Branch

Aug 30, 2013
Date

Attachments

Certified Mail No. 7012 1010 0000 3983 8139

1700733/Compliance Section 6
02-03-13C-014-1700733-23/LSH



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COMPLIANCE CERTIFICATION

Citation Number 02-03-13C-014-1700733-23

Name of Water System: **Jitterbean Coffee**

System Number: **1700733**

Certification

As required by Section 116450 of the California Health and Safety Code, I certify that the users of the water supplied by this water system were notified of the violations of Title 22, California Code of Regulations (CCR) for the compliance period of July 2013. In addition, I certify that the Jitterbean Coffee complied with the directives of this citation as indicated below:

Required Action

Date Completed

Complete Attachment A, as required in Directive 2(a)
Public Notification – Posting for Seven Days
Public Notification – Newspaper

Signature of Water System Representative

Date

Attach a copy of the notice posted at Jitterbean Coffee and a copy of the notice published in the newspaper.

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT
NO LATER THAN October 4, 2013**

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.



IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene informacion muy importante sobre su agua potable. Traduzcalo o hable con alguien que lo entienda bien.

Jitterbean Coffee Failed to Test for Coliform Bacteria -- July 2013

Our water system failed to test the drinking water for coliform bacteria during July 2013. Although this is not an emergency, as our customers, you have a right to know about this violation – what happened, what you should do, and what we did to correct the situation. Please share this information with other people who drink this water, especially those who may not have received this notice directly. You can do this by posting this notice in a public place or giving out copies by hand or mail.

What happened?

We are required by state regulations to monitor our drinking water for specific contaminants on a regular basis. Results of this routine monitoring are an indicator of whether or not the drinking water meets health standards. During July 2013 we did not test for coliform bacteria and therefore cannot be sure of the bacteriological quality of the drinking water during that time.

What does this mean?

Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, bacteria may be present. Coliform bacteria may originate from human, animal, or soil sources. If the coliform sampling is done and coliform standards are met, the water served can be considered safe from bacteria. If the standards are not met, drinking the water may not necessarily result in illness, but that possibility exists. Routine and follow up sampling are important to periodically verify the water quality. Our failure to test the drinking water for bacteria during July 2013 was a violation of Section 64423, Title 22 of the California Code of Regulations (CCR).

What should I do?

You do not need to boil the water or take any corrective actions. This is not an emergency. If you have health concerns, you may wish to consult your doctor. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at (800) 426-4791.

What corrective actions have been taken to prevent this violation from occurring in the future?

This notification of the public is being done in compliance with Sections 64463.4 and 64465, Title 22 of the CCR as a means of keeping the public informed.

Persons wishing more information should contact:

(name)

(address)

(phone number)